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THE WHITE HOUSE
WASHINGTON

ACTION 177

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MEMORANDUM FOR THE PRESIDENT

FROM: Henry A. Kissinger *AK*
SUBJECT: Submission of the Geneva Protocol to the Senate

You earlier decided that you would submit the 1925 Geneva Protocol to the Senate for ratification. You also decided that when the Protocol is submitted:

- The Administration will inform the Senate of our understanding that tear gas and herbicides are not prohibited by the Protocol, but the understanding will neither be included in the proposed Senate resolution nor forwarded to the other Parties to the Protocol.
- We will reserve the right of retaliation with respect to chemical weapons only.

We can move forward with submission as early as mid-August. Since you announced your intention last November to submit the Protocol to the Senate, I think we must do so this session. The choice of timing of submission therefor is between going forward now or waiting until nearer the end of the session this fall.

The argument for waiting is that it might avoid relating consideration of the Protocol with what may be protracted and acrimonious debate on the use of tear gas and herbicides.

There will be a test vote in the Senate on the herbicides issue probably before mid-August. Senators Goodell and Nelson have submitted an "anti-environmental warfare" amendment to the military use or stockpiling of herbicides.

On the other hand, going ahead now might head off an extensive debate on tear gas and herbicides. Your statement of intent to submit the Protocol was welcomed by the Senate and there has been sentiment for early ratification. The Senate, therefore, may limit the debate on

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these issues in the interest of ratifying this session. Moreover, Ambassador Yost believes, and I agree, that if we have not submitted the Protocol before the UN General Assembly convenes in mid-September we will suffer considerable embarrassment in that forum.

I do not see how submission can be delayed any longer. I have discussed the matter with Bryce Harlow. He concurs in forwarding the Protocol as soon as possible.

If you agree we will prepare the ground for submission with soundings and consultations.

Because of the interval since the November announcement of your decision to submit the Protocol, Bryce Harlow and I believe that you should meet with the Senate bipartisan leaders (Mansfield and Scott), plus Fulbright and Aiken, the day before the day of submission to advise them of how you are forwarding the Protocol and the reasons for your decisions. A breakfast session would appear well suited to this purpose.

You could give them, at that time, a run down of the steps that have been taken or are in process as a result of your decision to renounce biological warfare. This would add to the favorable impact of your submission of the Protocol.

I recommend that you approve prompt submission of the Protocol and a meeting with the indicated Senate leaders the day before the actual submission.

Bryce Harlow concurs.

APPROVE *PH*

DISAPPROVE _____

SEE ME _____

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